

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BRUCE GORDON,
Petitioner,
v.
RON DAVIS, Warden,
Respondent.

No. 2:91-cv-0882-MCE-EFB P
DEATH PENALTY CASE

ORDER


Petitioner is a state prisoner proceeding through counsel with this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order dated October 6, 2015, issued pursuant to stipulation of the parties, the court set a briefing schedule in this matter. Specifically, petitioner was directed to file a brief on all of his claims for relief by October 6, 2016. Respondent's opposition was scheduled to be filed one year later. On November 17, 2015, petitioner filed a motion for partial summary judgment with respect to only three of his claims for relief and set it for hearing on the court's calendar for December 16, 2015. Respondent filed an opposition on November 23, 2015, in which he argued that the motion for summary judgment was improvidently filed but did not address the merits of petitioner's arguments. Petitioner has not yet filed a reply.

Good cause appearing, the December 16, 2015 hearing on the motion for summary judgment will be converted to a status conference only. Counsel for petitioner should be prepared

1 to discuss why the three claims addressed in his partial motion for summary judgment should be
2 adjudicated separately and not in accordance with the stipulated order described above. If the
3 undersigned determines at the status conference that it is necessary to modify the scheduling
4 order and address these three claims in advance, a new hearing will be scheduled on the summary
5 judgment motion.

6 Accordingly, IT IS ORDERED that the hearing currently scheduled for December 16,
7 2015, at 10:00 a.m. will address scheduling issues only and will not address the issues raised by
8 petitioner's November 17, 2015 motion for partial summary judgment.

9 DATED: December 2, 2015.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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